IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 2ND JANUARY 2007 / 12TH POUSHA 1928

Bail Appl..No. 7608 of 2006()

CRIME NO. 165/06 OF VARATHARAPILLY POLICE STATION

PETITIONER/ACCUSED

LATHEEF P.P., AGED 33 YEARS,
S/O.ALIKUTTY, POTTENGAL HOUSE,
VELUPPADAM P.O., KINER STOP, THRISSUR.

BY ADV. SRI.A.C.DEVY

RESPONDENTS: STATE AND COMPLAINANT

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1. STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
VARANTHARAPPILLY POLICE STATION.

BY PUBLIC PROSECUTOR SRI. K.S. SIVAKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Bail Application No. 7608 of 2006

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Dated, this the 2nd day of January 2006

ORDER

Petitioner who is the accused in Crime No. 165/06 of Varantharappilly Police Station for an offence punishable under section 307 IPC read with Sec. 25 (i)(a) of Arms Act, 1959, seeks anticipatory bail.

2. The learned Public Prosecutor opposed the application.

3. The case of the prosecution is that the petitioner out of his previous enmity towards the de facto complainant trespassed upon his property at about 9.45 a.m. on 7-9-2006 attacked him with an unlicensed gun.

4. I am not inclined to grant anticipatory bail to the petitioner. At the same time, I am inclined to give the petitioner an opportunity to surrender before the investigating officer and get his regular bail application disposed of by the Magistrate having jurisdiction .

5. Accordingly, the petitioner is directed to surrender any day between 3-1-2007 and 6-1-2007 before the Investigating Officer for the purpose of custodial interrogation and for recovery of

weapons, if any. Thereafter, the petitioner shall be produced before the Magistrate having jurisdiction on the same day and the said Magistrate shall consider and dispose of the application for regular bail, if any, filed by the petitioner, preferably on the same date on which it is filed.

With this observation, this Bail Application is disposed of.

Sd/- V. RAMKUMAR,
(JUDGE)

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